



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

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ORD #12-12-19-001

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING TECHNICAL EDITS AND CLARIFICATIONS OF INTENT FOR CHAPTERS 18 & 19

WHEREAS, the Town of Knightdale has received a petition to comprehensively amend Chapter 18 (Violations and Penalties) and Chapter 17 (Definitions) of the Unified Development Ordinance with technical edits for consistency of language and referencing, clarifications of intent and interpretation, further definition of broad terms, addition of exemplary graphics and photos, and the removal of redundant text; and

WHEREAS, the application includes the amendment of other remaining chapters of the Unified Development Ordinance affected by the proposed amendments to chapters 18 and 19, such as updating code section references and locations as well as adding/amending definitions (Chapter 19) for consistency; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.6B establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes comply with the goals of the Town's Comprehensive Plan because they are reasonable in that they advance the stated objective of providing an open, accessible, responsive and fiscally responsible government whose structure creates the functional framework to meet the goals of the Comprehensive Plan by clarifying processes and procedures in times of code enforcement and improving definitions; and

WHEREAS, the proposed zoning text changes are furthermore consistent with the Comprehensive Plan's stated goal of providing responsible urban design, planning and development;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows (*editing notes in parenthetical italics*):

(See Attachments for Chapters 18 & 19)

Section 8.12 Replacement of Disturbed and Damaged Vegetation Pursuant to a Notice of Violation (Section 18.3): All disturbed (*altered, removed, topped, excessively pruned, etc.*) landscaped areas and vegetation shall be replanted to meet the standards of this section as well as the approved site or master plan. Existing vegetation required to be preserved (*buffers, tree protection areas, etc.*) that has been damaged or destroyed during the course of development activity shall be subject to civil penalty and replaced in accordance with the requirements of this section, taking into account any unique site conditions and significant vegetation remaining within the landscaped area.

- A. **Plan Required:** A revegetation plan shall be submitted that takes into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and the replacement plant materials. The Town of Knightdale may require equal amounts of new vegetation to be installed equal to the size of the vegetation removed. The Administrator may elect to present the replanting plan to the TRC for final approval.
- B. **Replacement:** Replacement consists of one (1) or a combination of any of the following measures:
 - 1. Replant according to the requirements of this Chapter.
 - 2. Replace damaged or destroyed significant vegetation in both required landscaping and tree protection areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least 15 inches that is damaged or removed shall be replaced with one (1) or more trees that have a caliper of at least two and one half (2½) inches and a cumulative caliper equal to or greater than the original tree. Trees damaged or destroyed less than 15 inches in diameter shall be replaced to satisfy the performance criteria of this section. Understory plantings may also be required to restore the buffer performance criteria for the disturbed area. These measures may be modified by the Administrator based upon site conditions.
 - 3. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be of the type and amount that is necessary to provide the type of required landscaping identified in the Notice of Violation or tree protection area identified on the approved landscape plan.
- C. **Replanting Area:** Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Administrator.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 19th day of December, 2012.

ATTEST:

Russell B. Killen, Mayor

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney